

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM MILLS, III,

Petitioner,

v.

NANCY GIROUX , et al.,

Respondents.

Civil Action No. 3:14-CV-972

(Judge Kosik)

**FILED
SCRANTON**

JUN 21 2016

ORDER

Per M. S. P.
DEPUTY CLERK

AND NOW, THIS 21st DAY OF JUNE, 2016, IT APPEARING TO THE COURT THAT:

[1] On January 29, 2016, Petitioner, William Mills, III, filed the instant Motion to Open Judgment Pursuant to Federal Rule of Civil Procedure 60(b) (Doc. 19), seeking to re-open this case based on equitable tolling arguments that have already been rejected;

[2] The action was referred to Magistrate Judge Martin C. Carlson;

[3] The Magistrate Judge issued a Report and Recommendation (Doc. 20), on May 31, 2016, recommending that the motion be denied because the habeas petition is time-barred;

[4] Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

[5] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it.

Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); and


[6] We have considered the Magistrate Judge's report, and we concur with his recommendation that the motion to re-open this case should be denied. We agree that Petitioner's petition for writ of habeas corpus is time-barred;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated May 31, 2016 (Doc. 20) is **ADOPTED**;

[2] Petitioner's Motion to Open Judgment Pursuant to Federal Rule of Civil Procedure 60(b) (Doc. 19) is **DENIED**; and

[3] This case will remain **CLOSED**.



Edwin M. Kosik
United States District Judge